

## OFFICE OF THE ATTORNEY GENERAL OF TEXAS AUSTIN

GROVER SELLERS ATTORNEY GENERAL

Honorable W. P. Herms, Jr. county Auditor Waller County Hempstead, Texas

Dear Sir:

Opinion 1:0. 0-6466

Re: Authority of Haller County

to speed money for the purchase of several Commissioners' Court Guide Books for
the use y each member of
the Commissioners' Court,
County Auditor and/or other
apunty officials.

Your letter of Jane 23, 1943, requesting an opinion from this department is, in part, as follows:

"I shall appreciate your opinion as to whether walter county may legally expend money for the purchase of beveral Commissioners' Court Guide Dooks for use by each member of the Commissioners' Court, County Auditor, and/or other county officials.

"You are no doubt familiar with this publication, vaici is sold by The Steck Company, Austin, least

"I should also like for your opinion to include other books such as Attorney Generals' Opinion Volumes, yearly Supplement to Texas Statutes, General and Special Law Volumes of each legislative session, etc.

"If the Commissioners' Court determines that such books are needed by various officers, can the county legally pay for such books, or should this expense be borne personally by the officer requiring same?"

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The Commissioners' Court is a court of limited jurisdiction and has only such powers as are conferred upon it by the Constitution and statutes of this State by express terms or by implication. Von Rosenberg v. Lovett, 173 5. W. 508; Killer v. Brown, 216 S. W. 452; Howard v. Henderson County, 116 S. W. (24) 479; Galveston, H.& S.A.Ry. Co. v. Uvalde County, 167 S. W. (24) 1084; 11 Tex. Jur. 564.

In our Opinion No. 0-5347, a copy of which is hereto attached, this department held that the commissioners! court did not have the authority to expend county funds for the purchase of Vernon's Annual Tocket Farts to be furnished to the district clerk.

We wish to call your attention to Article 4335, V.A.C.S., whereby the Secretary of State is authorized to furnish one copy of each of all general and special laws passed by the Legislature to the judge of the several courts throughout the State, and the clerks of said courts, and each county attorney; and the Secretary of State is also authorized to furnish one copy each of all general laws to the county treasurer, county surveyor, sheriff, county tax assessor and collector, inspector of hides and animals, justice of the peace, constable and county commissioner.

Art. 1650, V. A. C. J., as amended, provides that the county auditor shall be authorized to provide himself with all necessary ledgers, books, records, blanks stationery, equipment, telephone and postage at the county's expense, but all purchases thereof shall be made in the manner provided for by law.

Under the familiar rule of construction known as "sjusdem generis", books mentioned in Article 1650, supra, could not reasonably be construed to include "Commissioners' Court Guide Books," "Attorney Generals' Opinion Volumes," and "Supplement to Texas Statutes."

me know of no provision in the Constitution or statutes of this State which confers upon the Commissioners! Court the power to expend county funds for the purchase of

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the books referred to in your request. We, therefore, answer your questions in the negative.

Yours very truly,

ATTORNEY GENERAL OF TEXAS

By

J. C. Davis, Jr.
Assistant

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By

John Reeves

JR:LJ enol.

